

REMARKS

An Appeal Brief was filed for this application on July 11, 2008 which is hereby incorporated in full by reference. An Examiner's Answer was mailed on October 10, 2008 which included new grounds of rejection. Accordingly, Applicant respectfully requests that prosecution be reopened and that the application be considered and further examined in view of the accompanying amendments, and the reply to the new grounds of rejection. In addition to the prior grounds of rejection, the Examiner's Answer sets out in Section 9(g) a new rejection of claims 1-12 under 35 U.S.C. §101 as directed purely to mental steps. Further, in a supplement dated November 18, 2008, an additional rejection of claims 1-12 under 35 U.S.C. §101 was added to Section 6. Claim 1 has been amended. After a careful review of the claims and references, it is believed that the claims are now in allowable form and a Notice of Allowance is respectfully requested.

The Examiner's Answer of October 29, 2008 in Section 9(g) rejects claims 1-12 under 35 U.S.C. §101 as being a method of purely mental steps. In addition, in a supplement mailed November 18, 2008 further rejects in Section 6 the claims 1-12 under 35 U.S.C. §101 as being a method of purely mental steps. Claim 1 has been amended to tie the claim to a specific apparatus (contact center apparatus) serving a plurality of clients and agents and are now tied to a specific apparatus. As a result, the method cannot be performed as mental steps because as claimed, they are performed within a specific apparatus. In addition, the method creates articles (a file and a report) which in itself is a transformation of raw information into a useful file/report form, and also transforms the file by adding the measured indicia. Thus, claim 1 and dependent claims 2-12 are now both tied to a specific apparatus, and also transforms an underlying subject matter. Therefore, the subject matter of claims 1-12 falls within 35 U.S.C. §101.

As discussed above and in Applicant's Appeal Brief, claims 1-30 are directed to statutory subject matter and are not anticipated or rendered obvious by any combination of the cited references. Therefore, allowance of claims 1-30 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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